

Message Text

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 5781

S E C R E T SECTION 1 OF 3 SANTIAGO 6030

E. O. 11652: GDS

TSGS: PINT, SHUM, PGOV, PDIP, US, CI

SUBJECT: EVALUATION REPORT: HUMAN RIGHTS IN CHILE, PART II

REFS: (A) STATE 140421, (B) SANTIAGO 5448, (C) SANTIAGO 2582

1. THIS MESSAGE REPLACES SECTION II OF THE EVALUATION REQUESTED
BY REF A AND PROVIDED IN REF B. IT BRINGS CURRENT THE ANALYSIS
AND RECOMMENDATIOCS CONTAINED IN REF C, SANTIAGO'S PARM SUBMISSION.
QUOTE:

II. ANALYSIS AND RECOMMENDATIONS

A. SPECIFIC HUMAN RIGHTS OBJECTIVES:

1. RIGHTS OF THE PERSON: (A) CURTAILMENT/DISSOLUTION OF
DINA (NATIONAL INTELLIGENCE DIRECTORATE); (B) EFFECTIVE DUE
PROCESS; AND (C) ABANDONMENT OF EMERGENCY POWERS.

2. POLITICAL FREEDOMS: (A) CONTINUED PUBLIC DEBATE ABOUT
CHILE'S TRANSITION PLAN; AND (B) CONTINUAL SURVIVAL OF A FREE
LABOR MOVEMENT.

3. SOCIO ECONOMIC EQUITY: (A) ENCOURAGEMENT OF MEASURES
TO ALLEVIATE THE IMPACT OF ECONOMIC CHANGE ON THE POOR;
(B) RESTORATION OF TRADE UNION RIGHTS TO FREE COLLECTIVE BARGAINING.
DISCUSSION OF IMPORTANCE, FEASIBILITY.

WE ASSIGN PRIORITY TO THE TRIAD OF OBJECTIVS CONCERNING
RIGHTS OF THE PERSON. OUR INFLUENCE IS LIMITED AND OUR EFFORTS

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SHOULD BE FOCUSED. THESE OBJECTIVES WOULD, IN OUR JUDGMENT,
PROVIDE REASONABLY EFFECTIVE DETERRENTS TO ABUSES OF PERSONAL
RIGHTS, A SINE QUA NON FOR REAL PROGRESS IN OTHER AREAS OF
CONCERN TO US. FURTHERMORE, PROGRESS TOWARD THESE THREE OBJECTIVES,
WHICH SEEMED WISHFUL THINKING EARLIER THIS YEAR, NOW APPEARS
LIKELY. WE ARE WORKING WITH CURRENTS ALREADY BEING FELT WITHIN
THE GOC AND PRECEIVED BY CHILEANS OUTSIDE IT.

THE THREE PRIME OBJECTIVES ARE INTERRELATED. EVEN THOUGH ALL THREE ARE NEEDED TO ASSURE OUR GOAL, PROGRESS MADE IN ANY ONE OF THE THREE SHOULD BENEFICIALLY AFFECT THE OTHER TWO. THE INSIDIOUS NATURE OF DINA, FOR EXAMPLE, COMES FROM THE CONCENTRATION OF INVESTIGATIVE, INTELLIGENCE, ARREST AND ENFORCEMENT FUNCTIONS IN ONE AGENCY RESPONSIBLE TO ONE MAN. SPLITTING OFF THE ARREST AND ENFORCEMENT FUNCTIONS AND PLACING THEM IN ORGANIZATIONS ALREADY PART OF THE TRADITIONAL CHILEAN SYSTEM SHOULD GO A LONG WAY TO INSTITUTIONALIZE CONTROL. BUT DINA'S FREE-WHEELING TACTICS ALSO REST ON THE TIMIDITY OF THE JUDICIARY AND ITS RELUCTANCE (AND ULTIMATELY ITS INABILITY) TO MAKE DECISIONS STICK. DUE PROCESS IN THIS SENSE REALLY MEANS HOLDING THE GOC TO ITS OWN LAWS -- EVEN ITS EMERGENCY POWER AUTHORITY. IN TURN, FEW PEOPLE REALLY UNDERSTAND JUST WHAT EMERGENCY POWERS THE GOC HAS AMASSED UNDER THE CURRENT STATE OF SIEGE -- THE IMPOSITION OF A NEW, LESSER, EMERGENCY CONDITION WOULD NECESSITATE CLARIFICATION OF LEGAL AUTHORITY.

WE HAVE CONSISTENTLY ASSIGNED A LOWER PRIORITY TO USG ACTIVISM IN THE AREA OF POLITICAL FREEDOMS FOR SEVERAL REASONS: (A) PAST EFFORTS BY THE USG TO INFLUENCE THE CHILEAN POLITICAL SCENE CONTINUE TO DRAW CRITICAL ATTENTION IN CHILE, THE US AND ELSEWHERE; AND (B) CHILEANS ARE WELL-EDUCATED, ARTICULATE AND USED TO PARTICIPATORY DEMOCRACY AT ALL LEVELS IN THEIR SOCIETY SO THAT, LEFT TO THEIR OWN DEVICES AND ONCE RID OF ARBITRARY POLICE POWER, THEY ARE LIKELY TO SEEK POLITICAL SOLUTIONS COMPATIBLE WITH OUR VALUES. A HEAVY USG HAND IN THIS AREA WOULD
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BE COUNTERPRODUCTIVE. INDEED, IT WAS WITHOUT ANY DIRECT US PRODDING THAT PINOCHET PUT FORWARD ON JULY 9 A TIMETABLE AND GENERAL PLAN FOR A TRANSITION PROCESS. WHILE THE TIMING STRIKES MANY AS UNDULY DISTANT AND THE EVOLUTIONARY PROCESS PROPOSED UNSATISFACTORY, PUBLIC DEBATE ON THE TRANSITION AT LAST HAS BECOME LEGITIMATE IN CHILE.

SOCIO-ECONOMIC EQUITY HAS BEEN AN ISSUE IN CHILE SINCE LONG BEFORE THE COUP. CHILEANS ARE RENT OVER THE WAY TO RECONSTRUCT THE COUNTRY FOLLOWING WHAT VIRTUALLY ALL CONSIDER THE DISASTROUS ALLENDE EXPERIMENT. THE TRANSFORMATION NOW BEING ATTEMPTED BY THE GOC IS ANOTHER IN A TUMULTOUS SERIES. WE KNOW LITTLE OF ITS TRUE DIMENSIONS. CRITICS OF THE GOC ASSERT THAT CURRENT POLICIES ARE RESULTING IN IMMENSELY EXACERBATED INEQUITIES, BUT THEIR DATA IS QUESTIONABLE. IT MAY EVEN BEG THE QUESTION: SUPPORTERS OF THE GOC'S SOCIO-ECONOMIC POLICIES MAKE THE CASE THAT TTZ CURRENT REMEDY IS THE BEST WAY TO ENSURE FUTURE PROSPERITY. AND EVEN CRITICS AGREE THAT THE SITUATION HAS GENERALLY IMPROVED OVER TWO YEARS AGO.

NEVERTHELESS THERE ARE CLEARLY GREAT SOCIAL INEQUITIES IN CHILE. AS WE IMPROVE OUR DATA BASE ON CURRENT CONDITIONS AND TRENDS, THE USG SHOULD MAINTAIN SUPPORT FOR THE REMNANTS OF THE CHILEAN FREE LABOR MOVEMENT LOOKING TOWARD THE RESTORATION OF THE RIGHTS

TO BARGAIN COLLECTIVELY. WE ALSO SHOULD CONTINUE TO ENCOURAGE THE GOC TO TAKE AMELIORATING STEPS TO EASE THE IMPACT ON THE POOR OF ECONOMIC RESTRUCTURING. (BEREFT OF DIRECT BILATERAL ASSISTANCE, WE CANNOT EXPECT THIS INFLUENCE TO LOOM LARGE WITH CHILE'S ECONOMIC AND SOCIAL PLANNERS.)

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TO SECSTATE WASHDC IMMEDIATE 5782

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BY YEAR END WE ANTICIPATE THE FOLLOWING GENERAL PICTURE:

(A) DINA WILL HAVE UNDERGONE SUBSTANTIAL TRANSFORMATION, ITS ARREST POWERS ELIMINATED AND PLACED BACK IN TRADITIONAL INSTITUTIONS AND ITS INTELLIGENCE FUNCTIONS INCORPORATED IN A RENAMED BODY;
(B) THE COUNTRY WILL BE UNDER A "STATE OF EMERGENCY AGAINST SUBVERSION" (VIS-A-VIS THE CURRENT STATE OF SIEGE) WITH MORE CLEARLY DEFINED AND LESSENERED SCOPE OF EXECUTIVE AUTHORITY IN INTERNAL SECURITY MATTERS; (C) THE CIVILIAN JUDICIAL SYSTEM WILL BE MORE EFFECTIVE; (D) DEBATE OVER THE TRANSITION AWAY FROM DIRECT MILITARY RULE WILL BE CONTINUING; AND (E) THE ECONOMIC/ SOCIAL COSTS DEBATE WILL STAY IN THE PUBLIC DOMAIN.

LEVERAGE AND THE INTERNATIONAL SCENE:

THE GOC RECOGNIZES ITS INTERNATIONAL ISOLATION -- SIGNIFICANTLY NOT JUST FROM THE US AND WESTERN EUROPE, BUT FROM ITS SOUTHERN CONE NEIGHBORS AS WELL. THE FIRST BLUSH OF SOUTHERN CONE UNITY IN THE FACE OF US "INTERFERENCE" ON HUMAN RIGHTS FADED RATHER REPIDLY AS THE AGE-OLD JOCKEYING AMONG THE CONE COUNTRIES AND THEIR OWN COMPLEX RELATIONS WITH THE REST OF THE HEMISPHERE PREDICTABLY ROSE TO THE SURFACE. THE BOTTOM LINE IS THAT THE GOC UNDERSTANDS THAT IMPROVEMENTS IN THE HUMAN RIGHTS AREA IS THE SINE QUA NON FOR DEFENDING ITS OTHER NATIONAL INTERESTS.

POLICY RECOMMENDATIONS:

OUR BASIC POLICY IS THAT IMPROVED PERFORMANCE SHOULD BE REWARDED IN A CONCRETE FASHION, JUST AS A DETERIORATING SITUATION WOULD WARRANT ADDITIONAL PRESSURES. WE ALSO BELIEVE THAT THE "REWARDS"

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SHOULD NOT BE SO FAR REMOVED IN TIME FROM THE BEGINNING OF THE IMPROVED SITUATION TO LOSE THEIR EFFECT; NOR SHOULD THEY BE BESTOWED BEFORE ACTUAL PERFORMANCE CAN BE JUDGED. WE HAVE URGED A FRANK DIALOGUE WITH THE GOC ON THE TRIAD OF OBJECTIVES OF PRIMARY INTEREST TO US. THIS DIALOGUE IS ALREADY UNDERWAY. FOR A VARIETY OF REASONS, EVENTS IN CHILE APPEAR TO BE MOVING IN A POSITIVE DIRECTION. ACCORDINGLY, WE BELIEVE US NEAR-TERM POLICY SHOULD CONSIST OF THE FOLLOWING SPECIFIC STEPS:

(ALL CONTINUE THE POLICY OF MAKING PUBLIC STATEMENTS (CAREFULLY PHRASED AS IN THE CASE OF PINOCHET'S JULY 9 ANNOUNCEMENT) PROMPTLY AFTER A SIGNIFICANT POSITIVE STEP OCCURS;

(B) AUTHORIZE THE VISIT OF A HIGH-LEVEL US MILITARY OFFICER (WE ARE RECOMMENDING SEPARATELY, THE VISIT OF USCINCSO DURING OCTOBER-NOVEMBER); AND

(C) AUTHORIZE A HIGH-LEVEL DEPARTMENT VISITOR TO INFORM THE GOC THAT SHOULD EVENTS CONTINUE AS DEPICTED IN THE YEAR END SCENARIO ABOVE, THE USG WOULD WORK TO INITIATE OPIC PROGRAMS STARTING EARLY 1978 AS EVIDENCE OF ITS GOOD FAITH.

(REF C, ANNEX A CONTAINS A LISTING OF OTHER POSSIBLE USG INCENTIVES AS WELL AS A LISTING OF ADDITIONAL POSITIVE MEASURES THE GOC MIGHT UNDERTAKE.)

B. PROBABLE REACTIONS TO USG POLICIES RECOMMENDED ABOVE:

IN GENERAL, PURSUANCE OF USG POLICIES RECOMMENDED ABOVE WILL BE ACCEPTABLE TO LARGE SECTORS WITHIN THE GOC AND AMONG ITS SUPPORTERS AND WILL SIT WELL WITH MOST OF ITS NON-MARXIST CRITICS IN CHILE. BUT CHILEANS ARE HYPERNATIONALIST; A DEFT USG HAND IS REQUIRED TO MINIMIZE A BACKLASH AGAINST "US INTERVENTION".

WE RUN THE RISK THAT THE RECOMMENDED OBJECTIVES WILL AROUSE ALLEGATIONS FROM THE RIGHT THAT WE SEEK TO OVERTHROW PINOCHET AND UNFOUNDED HOPES FROM THE LEFT OF THE SAME THING. THE EMBASSY DOES NOT SUBSCRIBE TO THE SCHOOL THAT PINOCHET HAS BEEN ABLE TO MAINTAIN HIMSELF SO FAR BECAUSE OF THE POWER THE STATE OF SIEGE AND DINA GIVE HIM. PINOCHET, AS WE HAVE SAID ON NUMEROUS

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OCCASIONS* BENEFITS FROM: (A) THE ABSENCE OF AMBITIOUS POTENTIAL HEIRS WITHIN THE ARMY, (B) THE OTHER SERVICE CHIEFS' UNDERSTANDING THAT ONLY THE ARMY CAN PROVIDE A MILITARY PRESIDENT AND THEIR REALIZATION THAT SERIOUS SCHISMS WOULD HARM THEM ALL, (C) THE PALING BUT STILL EXTANT MEMORY OF THE CHAOS OF THE ALLENDE PERIOD, AND (D) PINOCHET'S CONSIDERABLE POPULARITY AMONG INFLUENTIAL SECTORS OF THE SOCIETY.

PROJECTED REACTION TO THE PROPOSED POLICY BY SECTORS:

GOVERNMENT: WE HAVE RECEIVED A NUMBER OF REPORTS CONFIRMING

FIRST-HAND IMPRESSIONS THAT GOC OFFICIALS ARE CONCERNED ABOUT DINA'S EXCESSES AND THE DAMAGE TO CHILE BROUGHT BY CONTINUING STATE OF SIEGE POWERS AND INEFFECTUAL JUDICIAL DECISIONS. WHEN EVEN DINA RECOMMENDS PRUNING BACK ITS AUTHORITY, THE ATMOSPHERE APPEARS GOOD. THERE ARE HARDLINERS IN THE GOC -- NOT EXCLUSIVELY MILITARY -- WHO BELIEVE THE SOVIET/MARXIST MENACE REQUIRES DICTATORIAL RULE. WE THINK THEY ARE FEW. MANY CHILEANS WELCOME THE RESPITE FROM THE EFFERVESCENCE OF THE PAST -- THEY ARE FOUND THROUGHOUT SOCIETY, BUT BY AND LARGE THEY ACCEPT THE NEED TO GET ON WITH THE TRANSITION.

OPPOSITION: THE NON-MARXIST OPPOSITION, INCLUDING CHRISTIAN DEMOCRATS AND A SIGNIFICANT ELEMENT WITHIN THE CATHOLIC CHURCH, FIND IT HARD TO SEE ANY GOOD IN A PINOCHET GOVERNMENT. THEY WILL LIKELY HAVE SOME DIFFICULTY IN ACCEPTING ANY STEPS THE USG MIGHT TAKE TO ENCOURAGE FURTHER IMPROVEMENT BY THE INCUMBENT GOVERNMENT. ON THE OTHER HAND, THEY PRIVATELY RECOGNIZE THAT UNTIL MOVEMENT BEGINS AND SOME FLUIDITY APPEARS, THEIR INFLUENCE IN FUTURE DEVELOPMENTS WILL BE SLIGHT.

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MARXISTS OPPONENTS REMINING IN CHILE ARE, ALMOST BY DEFINITION, AGILE. WHILE CLEARLY UNHAPPY WITH ANY POSITIVE MOVES BY THE USG TOWARD PINOCHET, THEY WILL TAKE ADVANTAGE OF WHATEVER OPENINGS OCCUR. THS USG WILL TAKE ITS LICKS FROM THEM, BUT IT HAS ALWAYS DONE SO.

A SPECIAL NOTE FOR THE EXILES, WHOSE PRINCIPAL OBJECTIVE IS THE OVERTHROW OF PINOCHET. THEY WILL BE UPSET AT ANYTHING WE DO SMACKING OF LENIENCY TOWARD THE CURRENT GOC. WE DO NOT THINK THEIR VIEWS HAVE MUCH IMPACT IN CHILE.

C. IMPLICATIONS OF LOCAL REACTIONS TO PROPOSED USG HUMAN RIGHTS POLICIES: THE OBJECTIVE OF THE PROPOSED POLICY IS TO IMPROVE HUMAN RIGHTS OBSERVANCE IN CHILE. IN DEVELOPING THE RECOMMEND-

ATION, LIKELY REACTIONS WERE FACTORED IN. WE ARE ATTEMPTING TO PURSUE A CAREFULLY MEASURED PROCESS IN WHICH US POLICIES AND LOCAL REACTIONS WILL REINFORCE ONE ANOTHER.

D. IMPACT ON POLICY ISSUES: AS SET FORTH IN THE PARM, USG INTERESTS IN CHILE ARE VARIED, BUT OF LITTLE SIGNIFICANCE TO OUR MAJOR NATIONAL INTERESTS.

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